

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Review Petition No.43 of 2007
In
Civil Writ Petition No.8078 of 2006

Pushpadevi Nemichand Jain	Petitioner
Vs.	
M/s.Lalwani Leasing Pvt.Ltd.	Respondent

Mr.G.S.Godbole i/b M/s.N.N.Vaishnawa & Co. for petitioner.
Mr.P.M.Jadhav with Mr.V.P.Sawant for resp.

CORAM: B.H.MARLAPALLE, J.

April 13, 2007.

P.C.

. Heard Mr.Godbole the learned counsel for the applicant who is the petitioner in Writ Petition No.8078 of 2006. The said petition was disposed as withdrawn with liberty to file civil application by my order dated 14/3/2007. This review petition has been filed pointing out that the order impugned in Writ Petition No.8078 of 2006 was not a final order and in fact it was an interlocutory order passed below Exhibit 6 by the trial Court and the same was challenged in Appeal No.321 of 2006. The appellate Court had allowed the appeal on 10/11/2006 and directed the respondent therein i.e. the present petitioner to restrain from using and/or permitting the user of the suit premises or any portion thereof

for non-residential and/or commercial business purpose till the decision of the suit. Certainly a revision application under Section 115 of CPC would not be maintainable against such an interlocutory order and the challenge to the said order will have to be considered in the writ petition itself.

. Hence the application succeeds and the same is allowed in terms of prayer clause (a). List Writ Petition No.8078 of 2007 for admission on 19th April 2007. Ad-interim order, if any, operating as at present will continue to operate until the next date.

(B.H.MARL